

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BOARD OF EDUCATION OF THE UNIONDALE
UNION FREE SCHOOL DISTRICT

Plaintiff,

-against-

ORDER
18-CV-1038 (JMA) (AYS)

J.P. and S.R., individually, and as parents and legal
guardians of S.P., a minor,

Defendants.

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AZRACK, United States District Judge:

Plaintiff, Board of Education of the Uniondale Union Free School District (“Plaintiff”) commenced this action on February 2, 2018, pursuant to Section 1415(i)(2) of the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1400 *et seq.* On April 27, 2018, defendants J.P. and S.R., acting on behalf of their minor child, S.P., (collectively, “Defendants”), filed a motion for a temporary restraining order and a preliminary injunction, seeking an order directing Plaintiff to reimburse and pay S.P.’s tuition at the Vincent Smith School. Defendants’ motion also requests that the Court grant attorney’s fees to Defendants as “prevailing parties” in accordance with the IDEA’s fee-shifting provision. On April 27, 2018, I referred Defendants’ motion to Magistrate Judge Anne Y. Shields for a Report and Recommendation (“R&R”).

On June 21, 2018, Judge Shields issued an R&R recommending that Defendants’ motion be granted in part and denied in part. On June 27, 2018, Plaintiff filed objections to Judge Shields’ R&R. Having conducted a review of the full record and the applicable law, I adopt Judge Shields’ R&R in its entirety as the opinion of the Court.

In reviewing a magistrate judge’s report and recommendation, the Court must “make a de

novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have undertaken a *de novo* review of the record, the R&R, and the instant objections, and I agree with Judge Shields’ comprehensive and well-reasoned R&R. Accordingly, the Court grants in part and denies in part Defendants’ motion for a temporary restraining order and preliminary injunction. Specifically, Defendants’ motion is granted to the extent that it requests an order directing Plaintiff to reimburse Defendants and to fund S.P.’s tuition at Vincent Smith School from November 29, 2017 through the conclusion of this action. The Court denies Defendants’ request for attorney’s fees without prejudice to renewal upon the conclusion of this action.

SO ORDERED.

Dated: August 15, 2018
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE